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KINGSLEY, KINGSLEY & CALKINS
91 W. Cherry Street
Hicksville, New York 11801

Re: Louis Dreyfus Corp. v. M/V
CMA CGM CORTES, et al.
SDNY No. 07 Civ. 6622 (WHP)
Our File No.: 42/3451

Gentlemen:


We acknowledge receipt of plaintiff's notice of the depositions of all defendants at your offices and are constrained to object.

As you know, plaintiff elected to bring suit in New York. Defendants are not before the Court by choice. Therefore, plaintiff cannot be heard to complain if it is required to obtain discovery at its own expense far from its chosen forum, and a defendant is generally entitled to insist that it be deposed in the place where it resides. See, Mill Run Tours v. Khashoggi, 124 F.R.D. 547, 550 (S.D.N.Y. 1989); Usinor Steel Corp. v. Daval Steel Prod's, 1990 A.M.C. 362 (S.D.N.Y. 1989); Farquhar v. Shledon, 116 F.R.D. 70, 72 (E.D. Mich. 1987); Work v. Bier, 107 F.R.D. 789, 792 n.4 (D.D.C. 1985).

Indeed, we note that we are still awaiting from plaintiff document disclosures so that we can bring the motion to dismiss this case on *forum non conveniens* grounds, as discussed before Judge Pauley at the initial case management conference. Your earliest attentions in that regard would thus be most appreciated.

Very truly yours,

MAHONEY & KEANE, LLP

By: 
Garth S. Wolfson

cc: FREEHILL, HOGAN & MAHAR, LLP
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